

CREDIBILITY OF WITNESSES

In deciding the facts in this case, you may have to decide which testimony to believe and which testimony not to believe.¹ The credibility of the witnesses, and the weight to give their testimony, is up to you.² You may believe everything a witness says, or part of it, or none of it.³

In considering the testimony of any witness, you may take into account, among other things, the following:

- the opportunity and ability of the witness to hear or know the things testified to;
- the witness's memory;
- the witness's manner while testifying;
- the witness's interest in the outcome of the case, and any bias or prejudice;
- whether other evidence contradicts the witness's testimony;
- the reasonableness of the witness's testimony in light of all of the evidence; and
- any other factors that bear on believability.⁴

Inconsistencies or conflicts in the testimony of a witness, or between the testimony of different witnesses, may or may not cause you to discredit that testimony. Two or more persons witnessing an event may see or hear it differently. In weighing the effect of inconsistencies or conflicts in the testimony, you should consider whether it involves a matter of importance or an unimportant detail, and whether it results from innocent error or intentional falsehood.⁵

¹ Ninth Circuit Model Jury Instructions.

² VBA Pattern Jury Instructions.

³ Ninth Circuit Model Jury Instructions.

⁴ Ninth Circuit Model Jury Instructions; Judge Murtha Instruction; Judge Reiss Instruction; Judge Sessions Instruction.

⁵ VBA Pattern Jury Instructions; Judge Murtha Instruction; Judge Reiss Instruction; Judge Sessions Instruction.